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**FILED**

DEC 19 2012

RICHARD W. WIERING  
CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FAZIL AHMAD KAYUMY,

Defendant.

No. CR-12-70863 MAG

STIPULATED REQUEST TO CONTINUE  
HEARING DATE TO JANUARY 23, 2013  
AND TO EXCLUDE TIME UNDER THE  
SPEEDY TRIAL ACT

Hearing Date: December 21, 2012  
Time: 9:30 a.m.

The above-captioned matter is set on December 21, 2012 before this Court for a status hearing. The parties request that this Court continue the hearing to January 23, 2013 at 9:30 a.m. and that the Court exclude time under the Speedy Trial Act between December 21, 2012 and January 23, 2013.

The misdemeanor charges in this case are out of the Middle District of Georgia. The defense has been discussing Rule 20 resolution of this matter with a prosecutor in that District. The prosecutor in the Middle District of Georgia has proposed the terms of a plea agreement that would be acceptable to their office. Additional time is needed for the assigned Assistant United States Attorney in this District to obtain approval for a plea with those terms in this District pursuant to Rule 20 and to draft a plea agreement. Further, more time is needed by defense

Stip. Req. To Continue Hearing Date and to  
Exclude Time, No. CR 12-70863 MAG

1 counsel for review of discovery and for discussing possible resolution with the defendant once  
2 the offer is prepared. The parties agree the ends of justice served by granting the continuance  
3 outweigh the best interests of the public and defendant in a speedy trial. Therefore, the parties  
4 further stipulate and request that the Court exclude time between December 21, 2012 and January  
5 23, 2013 under the Speedy Trial Act for effective preparation of counsel pursuant to 18 U.S.C.  
6 §§ 3161(h)(7)(A) and (B)(iv).

7  
8 DATED: December 17, 2012  
9

10 /s/ Andrew Huang  
11 ANDREW HUANG  
12 Assistant United States Attorney  
Counsel for United States

/s/ Ned Smock  
NED SMOCK  
Assistant Federal Public Defender  
Counsel for Fazil Kayumy

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION


UNITED STATES OF AMERICA,	)	No. CR-12-70863 MAG
	)	
Plaintiff,	)	<del>PROPOSED</del> ORDER GRANTING
	)	STIPULATED REQUEST TO CONTINUE
v.	)	HEARING DATE TO JANUARY 23, 2013
	)	AND TO EXCLUDE TIME UNDER THE
FAZIL AHMAD KAYUMY,	)	SPEEDY TRIAL ACT
	)	
Defendant.	)	Date: December 21, 2012
	)	Time: 9:30 a.m.
	)	
	)	
	)	

The parties jointly requested that the hearing in this matter be continued from December 21, 2012 to January 23, 2013, and that time be excluded under the Speedy Trial Act between December 21, 2012 and January 23, 2013 to allow for the effective preparation of counsel, taking into account the exercise of due diligence, and continuity of defense counsel. Defense counsel needs additional time to review that discovery and discuss it with the defendant, and perform necessary legal research and investigation. The parties agree the ends of justice served by granting the continuance outweigh the best interests of the public and defendant in a speedy trial. For these stated reasons, the Court finds that the ends of justice served by granting the continuance outweigh the best interests of the public and defendant in a speedy trial. Good cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

**IT IS HEREBY ORDERED** that the status hearing in this matter is continued from December 21, 2012 to January 23, 2013 at 9:30 a.m., and that time between December 21, 2012

1 and January 23, 2013 is excluded under the Speedy Trial Act to allow for the effective  
2 preparation of counsel, taking into account the exercise of due diligence.

3  
4 DATED: 12/19/12

  
HON. KANDIS WESTMORE  
United States Magistrate Judge